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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA.

Plaintiff,

VS.

JENNIPHER HERNANDEZ,

Defendant.

Case No.: 11-CR-00217 DLJ

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO CONTINUE STATUS CONFERENCE
AND EXCLUSION OF TIME UNDER THE
SPEEDY TRIAL ACT [18 U.S.C. §3161]**

The parties by and through their counsel of record, hereby stipulate to the following: The parties have jointly agreed that the current status conference hearing date of Thursday, February 9, 2012 be continued to Thursday, February 23, 2012 at 9:00 a.m. The reason for this continuance is that Mr. Lyons is recovering from a recent medical procedure and requires additional preparation.

For the factual reason above, the parties agree that the time between February 9, 2012 and February 23, 2012 shall be excludable from the Speedy Trial Act requirements of Title 18, United States Code, Sections 3161 (h)(7)(A) and 3161(h)(7)(B)(iv).

The parties agree that the time is excludable in that the ends of justice served by granting the continuance of the status conference to February 23, 2012 outweigh the best interests of the public and the defendant in a speedy trial. The parties agree that a continuance of the status conference to February 23, 2012 is necessary to ensure both effective case

1 preparation and the availability of defense counsel, and denial of such a continuance would
2 unreasonably deny defendant effective case preparation and continuity of counsel pursuant to
3 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B)(iv).

4
5 Date: February 8, 2012

6
7 /s/Robert W. Lyons
8 Robert W. Lyons
Attorney for Jennipher Hernandez

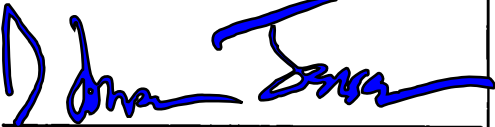
9 Date: February 8, 2012

10 /s/Eumi Choi
11 Eumi Choi
Assistant United States Attorney

12 **IT IS SO ORDERED.**

13 **CEI: EFG**

14 Date: _____

15 
16 Honorable D. Lowell Jensen
United States District Judge